

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ALEXIS LEE,

Plaintiff,

v.

DINO DENNISON, individually, *et al.*,

Defendants.

Case No. 2:19-cv-01332-KJD-DJA

ORDER

Before the Court for consideration is the Order (#46) of Magistrate Judge Daniel J. Albrechts entered August 18, 2020, ordering, in relevant part, that Defendants' Motion to Strike (#34) be granted in part and denied in part and that Defendant's Motion for Protective Order (#37) be granted in part and denied in part.. Plaintiff filed timely objections (#48) in accordance with Local Rule IB 3-1 and 28 U.S.C. § 636(b)(1)(C) to the magistrate judge's order that awarded Defendant attorney's fees and denied, in part, Plaintiff's motion for a protective order. Defendant filed a response (#49) to the objections.

The Court has conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-1. The Court finds that the Magistrate's Order (#46) is neither clearly erroneous nor contrary to law under Federal Rule of Civil Procedure 72(a). See 28 U.S.C. § 636(b)(1)(A). However, the Court stays the award (#53) of attorney's fees made on October 7, 2020. The magistrate judge's order found Plaintiff's expert disclosures timely. See Order, Doc. No. 46, p. 9, l. 10-12. However, the court also found that the rebuttal reports "*may* exceed the scope of a rebuttal expert." Id. at l. 25 (emphasis added). It then conditioned the sanction of attorney's fees as an alternative to excluding the reports. Thus, the award of attorney's fees is premature until the Court rules upon the breadth of the expert reports at trial.

Dated this 27th day of October, 2020.

- 2 -